1977

WARRANT
for
SPECIAL TOWN MEETING

JANUARY 19, 1977

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FOR

1977 SPECIAL TOWN MEETING

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WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

To any of the Constables of the Town of Wayland, in said County:

Greetings:

In the name of the Commonwealth you are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the High School Field House on

WEDNESDAY, JANUARY 19, 1977

at 7:45 P.M., then and there to act on the following articles:

ARTICLE 1. AUTHORIZE SELECTMEN TO EXPEND MONIES

Article 1. To see if the Town will vote to authorize the Selectmen to submit an application for the construction, renovation, repair or other improvements of local public works projects under the Public Works Employment Act of 1976 (P.L. 94-369) and to expend any monies received in accordance with said application; or take any action relative thereto.

RECOMMENDATION

This Article was inserted in the Warrant to enable the Town to conform to State and Federal regulations which must be complied with if the Town wishes to be eligible to receive Public Works Funds under Public Law 94-369. The School, Park and Recreation, Highway, and Library Boards have made application for these grants, and the Town must vote acceptance if the funds are to be received. The Town has not yet received notice of any grants which might be received under the applications which have been filed.

The Finance Committee recommends approval of the Article.

ARTICLE 2. AUTHORIZE NEW HOUSING PROJECT

Article 2. To see if the Town will authorize the Wayland Housing Authority to erect a new housing project containing ninety-five units or less for elderly persons of low income on a parcel of land between Doran Road, Lakeview Road, Main Street and Cross Street, more fully described under Article 27 of the Warrant for the 1975 Annual Town Meeting, pursuant to the provisions of General Laws, Chapter 121 B; or take any action relative thereto.

RECOMMENDATION

At the Annual Town Meeting in April, 1975, the Town voted to authorize the Wayland Housing Authority to erect a new housing project for elderly persons of low income on a parcel of land between Doran Road, Lakeview Road, Main Street and Cross Street. The 1975 Article included the following stipulation: ". . . said project to be known as "State-Aided Project 667-2."

Because the Housing Authority's application has not been approved by the State due to a lack of funds and since demand for housing for the elderly in Wayland continues to be very high, the Wayland Housing Authority wishes to apply for Federal funds. Thus the Town is being asked to approve this Article which removes the restriction of a state funded project.

If the Authority is successful in obtaining approval of its application by the Federal agency (Department of Housing and Urban Development), it will return to a future Town Meeting to request the purchase from the Town, of the land needed for the project.

The Housing Authority anticipates that, if approved, the project will be fully funded by the Federal program.

The Finance Committee recommends approval of the Article.

ARTICLE 3. TRANSFER OF FUNDS - HIGHWAY

Article 3. To see if the Town will appropriate the sum of $15,000 to purchase:

One new One-Ton Dual Wheel Dump Truck with Plow
One new Sidewalk Loader Plow

and to determine whether the monies to meet this appropriation shall be transferred from monies previously appropriated under Item 15 of the Highway Department Budget set forth in the Warrant for the 1976 Annual Town Meeting at Page 38; or take any action relative thereto.

RECOMMENDATION

This Article was inserted in the Warrant by the Road Commissioners to see if the Town will vote to purchase a new One Ton Dump Truck (with Plow) to replace a similar truck which has reached a point where repair costs are uneconomical. The Article also looks to the purchase of a new Sidewalk Loader Plow to replace a similar machine presently in service which has been reduced to a standby status because of its mechanical condition. The new Sidewalk Loader Plow will be used extensively in the construction of walk ways, and the Highway Department would like to purchase it in time for spring construction. Funds for the purchase of these two new pieces of equipment were previously voted and are available in the Highway Budget.

The Finance Committee recommends approval of the Article.

ARTICLE 4. AUTHORIZE SELECTMEN TO SELL OR TRADE

Article 4. To see if the Town will vote to authorize the Selectmen to sell or otherwise dispose of the following vehicles or equipment, or any portion thereof in connection with the purchase of new equipment or otherwise:

1. Highway Department

One 1972 IHC 3200 Sidewalk Loader Plow
One 1971 One Ton Chevrolet Dump Truck with Plow

or take any action relative thereto.

RECOMMENDATION

The sale, trade-in or disposal of Town property with a residual value in excess of $200 requires a vote of the Town.

The Finance Committee recommends approval of the Article.

ARTICLE 5. PURCHASE CONSERVATION LAND

Article 5. To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes including outdoor recreation purposes the fee or any lesser interest in a vacant parcel of land with the trees thereon on Wallace Road standing in the name of George Prentiss and Alice M. Richardson containing 6.5 acres more or less shown on Plates No. 42C and 42D of the Town Atlas as well as on a plan on file with the Town Clerk entitled, "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED ACQUISITION OF RICHARDSON LAND FOR CONSERVATION PURPOSES DECEMBER 10, 1976 SCALE: 1 IN. = 100 FT. WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a point on the Southwesterly sideline of Wallace Road at the Northwesterly property line of land of Commonwealth of Massachusetts N 58-50-25 W, one hundred seventy five and 00/100 (175.00) feet from a bound; thence

S 31-09-35 W, eighty and 40/100 (80.40) feet by land of said Commonwealth of Massachusetts; thence

S 84-38-35 W, nine hundred twenty four and 70/100 (924.70) feet again by land of Commonwealth of Massachusetts; thence

N 5-21-25 W, fifty and 00/100 (50.00) feet again by land of Commonwealth of Massachusetts; thence

S 84-38-35 W, two hundred thirteen and 76/100 (213.76) feet again by land of Commonwealth of Massachusetts; thence

N 23-36-38 E, five hundred seventy two and 66/100 (572.66) feet by land of Commonwealth of Massachusetts; thence

S 58-50-25 E, eight hundred ninety two and 39/100 (892.39) feet by land of Recinos, D'Amore, Westcott, Thompson, and other land of grantor; thence

N 84-38-35 E, seventy one and 66/100 (71.66) feet again by land of grantor; thence

N 31-09-35 E, one hundred seven and 35/100 (107.35) feet again by land of grantor; thence

S 58-50-25 E, seventy and 00/100 (70.00) feet along said Southwesterly sideline of Wallace Road to the point of beginning,

shown as Lot A containing two hundred eighty six thousand one hundred sixty four and 00/100 (286,164) square feet or six and 57/100 (6.57) acres according to said plan;

together with the rights and easements appurtenant to said parcel in 3 strips of land shown on said plan which traverse the land standing in the name of the Commonwealth of Massachusetts and any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same;

to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise and to see if the Town will authorize the Conservation Commission to apply and contract for Federal and/or State aid and/or aid from any other public or private sources for the purpose of this Article; or take any action relative thereto.

RECOMMENDATION

This parcel was listed on the Conservation Master Plan for acquisition in May 1970. It is bounded by the MDC's Pod Meadow, single family dwellings fronting on Wallace Road, and the MDC Hultman Aqueduct, with two access easements to the adjacent Town-owned conservation area and one to the Richardson residence. It is wooded with a mixture of pine and hardwoods except for an open grass strip along the aqueduct and a clearing at the westerly end of the parcel. About one acre at the westerly end is in the flood plain. The property is prime conservation land and this acquisition will complete a link from Wallace Road, by use of the access easements over the MDC aqueduct, to that part of the adjacent conservation area acquired by the Town in

1970. Two separate appraisals of this parcel have been requested and received by the Conservation Commission. The commission has reached an agreement with the owner on a price of $30,000. This is below the price of both appraisals.

The Finance Committee recommends approval of the Article.

ARTICLE 6. BUDGET DEFICIENCY

Article 6. To see if the Town will vote to appropriate a sum or sums of money for the operation and expenses of any or all of the following departments, and determine whether the money shall be provided by transfer from available funds or from appropriation balances, or take any action relative thereto.

RECOMMENDATION

This is the usual article inserted in the Warrant by the Finance Committee to cover overruns and unusual expenses on the part of various Town Departments. At this time the Finance Committee proposes to recommend appropriations as follows:

(1) Unclassified - Insurance 32B - $52,000

The Town's share of the Blue Cross/Blue Shield premium expense has been increased 56.7% for the year beginning October 1, 1976. This increase is, as with all Blue Cross/Blue Shield policies, attributable to the Town's actual experience on claims in the prior period as well as the increased coverage mandated by State law. This expense was not provided for in the current budget because this increase in the premium was neither anticipated nor known at the time of the Annual Town Meeting last April. The Finance Committee has looked into alternative medical insurance programs and the Blue Cross/Blue Shield program is still the least expensive. The Finance Committee is continuing to look into alternative programs. The Finance Committee proposes to fund this amount with a transfer from Available Funds, Excess and Deficiency.

(2) Maturing Debt - Conservation - $11,500

As a result of the Purchase of the Scholz property for conservation purposes under Article 22 of the October 1972 Special Town Meeting and Article 46 of the March 1974 Annual Town Meeting, the Town borrowed on a temporary basis in anticipation of partial State reimbursement $235,000 of the total purchase price of $250,000. With receipt of reimbursement of $125,000 and appropriation of $35,000, there remained $75,000 of temporary

debt outstanding and due to be replaced by permanent bonded debt in July 1976. Had the bonds been issued in July, 1976, there would have been no principal payment due to be repaid until July 1977, after the close of the current fiscal year. However, last May, on the recommendation of the Town's fiscal agent bank, the Finance Committee decided to advance the issuance of the permanent bonds from July to May to clear the way for the Town's issuance of the bonds for the Happy Hollow School project which took place in July 1976. Consequently, the necessary appropriation of $11, 500 of principal repayment now required in May of the current fiscal year was not included in the budget at the time of the Annual Town Meeting last April. The Finance Committee now must provide for the payment of this debt service expense by a transfer from Available Funds, Excess and Deficiency.

The Finance Committee recommends approval of the Article.

ARTICLE 7. AMEND ZONING BY-LAWS

Article 7. To see if the Town will amend Section IX B of its Zoning By-Laws in the following manner:

(1) by adding the following new paragraph to Section B:

"13. Detached Unit

A building containing one dwelling unit."

(2) by inserting the words underlined in section C-1 (c):

"(c) Multi-residence <u>and detached unit</u> condominium dwellings shall be permitted therein, provided that a special permit is obtained from the Board of Zoning Appeals in accordance with the provisions of this Section IX B."

(3) by inserting the words underlined in section C 2:

"2. No multi-residence <u>or detached unit</u> condominium dwelling shall be permitted in a planned development site in the event that the applicant shall have constructed or reconstructed any building or structure on residential land for any use permitted under paragraphs C 1 (a) and (b) above after a special permit shall have been granted to the applicant pursuant to paragraph E 3 (f) below."

(4) by deleting paragraph 9. of section D and inserting the following paragraph in place thereof:

"9. Distribution of Bedrooms Among Dwelling Units

(a) No more than 70% of the dwelling units in any planned development site, or at the completion of any stage of construction permitted in the development schedule, shall contain the same number of bedrooms.

(b) No more than 25% of the total number of bedrooms permitted in any planned development site shall be contained in detached units."

(5) by adding the following new paragraph to section D.

"21. Detached units

The number of detached units in any planned development site shall not exceed the following:

(a) 20% of the total number of dwelling units permitted; and

(b) 40% of the total number of dwelling units permitted at the completion of any stage of construction.

In determining the number of detached dwelling units to be permitted, the Board of Zoning Appeals may consider the recommendations submitted by the Planning Board pursuant to section E 2 below."

or take any action relative thereto.

RECOMMENDATION

This Article was inserted in the warrant by the Planning Board at the request of the developers of the Mainstone Farm Planned Development Project. The article looks to the amendment of the Zoning By-Law regulating Planned Development Districts which was previously approved by the Town under Articles 27 and 28 of the 1974 Annual Town Meeting as modified by the Town pursuant to the vote under Articles 7 and 8 of the Special Town Meeting in the fall of 1974.

The By-Law change would permit up to 20% of the total number of permitted dwelling units in a planned development district to be detached units, which are defined as buildings containing one dwelling unit. These permitted detached units could not contain more than 25% of the total number of permitted bedrooms in the whole development, and no more than 40% of the dwelling units in any one phase of the total project could be detached units.

Heretofore, all of the dwelling units in a Planned Development project had to be in structures containing two or more dwelling units.

At the time the Town approved the Planned Development District By-Law and further voted the necessary rezoning of the land in the Mainstone Farm Planned Development Project, neither the Planning Board nor the Developer contemplated any further need for Town Meeting action. In the course of the negotiations between the Developer and the Planning Board, which have been carried out over the past two years, the Developer proposed that a certain percentage of the units be permitted to be detached, single family units. The negotiations between the Developer and the Planning Board proceeded on the assumption that this was possible and only recently was it pointed out to both Developer and the Planning Board by the Town Counsel that under the existing language in the By-Law this would not be permitted. Consequently, the Developer asked that the Planning Board request a Special Town Meeting to consider this matter and that the Planning Board recommend this change in the By-Law.

Subject to the requested change in the By-Law, which is the subject of this article, the Planning Board and the Developer have reached agreement on most aspects of the Developer's application for a Special Permit to build the first phase of the Mainstone Project, which consists of approximately 75 dwelling units, and expect to be in full agreement by the time of the Special Town Meeting. The Developer has requested that nine of these units be detached units.

The Finance Committee has reviewed this proposed By-Law change with the Developer as well as the Planning Board, the Board of Selectmen and the Conservation Commission. These Boards are in favor of this By-Law change.

The Finance Committee feels that the requested change will not have any significant effect on the aesthetic qualities of the proposed development nor will the requested change have any significant effect on the economic consequences of the project to the Town. The existence of the permitted number of detached units will not, in our judgment, have any significant effect on the number of school-age children living in the Mainstone Development. The number of school children per dwelling unit is the major factor in determining whether the project as a whole will result in a net cost or net tax revenue for the Town. We believe that the requested By-Law change will not alter the fact that the project will, more likely than not, produce a net tax revenue to the Town. In view of this favorable economic impact we feel it most important that the Town vote this By-Law change. If the By-Law change is not made, there is a substantial risk that the project will not go forward as a Planned Development and the land may be developed in the conventional subdivision manner, which would mean probable additional school and other Town costs which would exceed the tax revenue produced by the new homes.

In short, we feel that the Planned Development Project proposed for the Mainstone Farm area is the best possible use of the land from the Town's point-of-view. To insure the greatest likelihood that the project will actually come to fruition it is therefore necessary and advisable that the By-Law be changed as proposed by this Article to permit a portion of the total project to be devoted to detached units.

The Finance Committee recommends approval of the Article.

And you are required to serve this Warrant by posting copies thereof, attested by you, at the Town Office Building, at the Cochituate Town Building, and at each Library in Town, fourteen days at least, before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon to the Town Clerk on or before January 5, 1977.

Given under our hands and seal this twentieth day of December in the year one thousand nine hundred and seventy six.

L. THOMAS LINDEN
MARCIA P. CROWLEY
JOHN B. WILSON
HERBERT N. ODELL, JR.
Selectmen of the Town of
Wayland

JONATHAN STRONG
ROBERT S. SWAIN, JR.
PAUL J. FRANCHI
CATHERINE W. SEILER
WILLIAM G. SEGAL
BERNARD R. HAND
FRANCIS J. FLEMING
Finance Committee

A true copy Attest:

Frederick Berry Jan. 3, 1977
Constable of Wayland

TOWN OF WAYLAND
Board of Selectmen
38 COCHITUATE ROAD
WAYLAND, MASS. 01778

Bulk Rate
U. S. Postage
PAID
Permit No. 16
Wayland, Mass.

POSTAL PATRON

WAYLAND, MASS. 01778